

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BRADLEY THOMAS, &)	
LAURIE THOMAS)	
)	
Plaintiff,)	
)	
v.)	1:06-CV-165
)	
NCB MANAGEMENT SERVICES,)	
INC., & JOHN HARDING,)	
INDIVIDUALLY)	
)	
Defendants.)	

**DEFENDANT, JOHN HARDING'S
RESPONSE TO SHOW CAUSE ORDER
ISSUED ON SEPTEMBER 5, 2006**

COMES NOW, the Defendant, JOHN HARDING, by and through his undersigned counsel of record, and files his response to Your Honor's Show Cause Order. In support of said Response, the Defendant, JOHN HARDING, would show unto this Honorable Court the following, separately and severally, to-wit:

1. Defendant, JOHN HARDING, was not served with discovery, including Requests for Admissions, Interrogatories, and Requests for Production until September 5, 2006.
2. The Plaintiffs had previously filed discovery, including Requests for Admissions against a "John Browning" on July 17, 2006, please see attached

Exhibit "A". This Defendant is not aware of John Browning as a named Defendant in this case.

WHEREFORE, the Defendant, JOHN HARDING, respectfully requests this Honorable Court to deny the Plaintiffs' Motion to Deem the Requests for Admissions as admitted, against John Harding, since this Defendant was not served with any Requests for Admission until September 5, 2006.

Respectfully submitted,

/s/ Michael P. Barratt

JEFFREY L. LUTHER (LUTHJ0532)
MICHAEL P. BARRATT (BARRM3920)
Attorneys for Defendants

OF COUNSEL:

LUTHER, OLDENBURG & RAINEY, P.C.
Post Office Box 1003
Mobile, Alabama 36633
PH: (251) 433-8088
FX: (251) 433-8011

CERTIFICATE OF SERVICE

I hereby certify that I have this 7th day of September, 2006, served a copy of the foregoing upon counsel to all parties to this proceeding by placing the same in the United States mail, properly addressed and first-class postage prepaid.

David G. Poston, Esquire
Brock and Stout
P. O. Drawer 311167
Enterprise, AL 36331-1167

Gerald A. Templeton, Esq.
The Templeton Group, P.C.
1000 Providence Park, Suite 200
Birmingham, AL 35244

/s/ Michael P. Barratt

OF COUNSEL

**IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION**

BRADLEY THOMAS, et al.,

Plaintiffs,

vs.

**NCB MANAGEMENT SERVICES, INC.,
JOHN HARDING, an Individual**

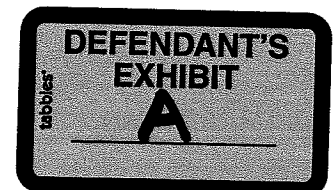
Defendant.

)
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)
) **CASE 1: 2006-CV-165-MEF-DRB**
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**PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS
TO DEFENDANT JOHN BROWNING**

Comes now the Plaintiffs in the above-styled matter by and through undersigned counsel of record and pursuant to the Federal Rules of Civil Procedure require Defendant in the time allowed by law, to answer under oath the following admissions:


1. Plaintiff is a "consumer" as that term is defined by 15 U.S.C. Sect. 1692a(3).
2. The debt you sought to collect from plaintiff is a "debt" as is defined at 15 U.S.C. Sect. 1692a(5).
3. You are engaged in the collection of debts from consumers using the mail and telephone and you regularly attempt to collect consumer debts alleged to be due another.
4. You are a "debt collector" as that term is defined by the Fair Debt Collection Practices Act, 15 U.S.C. Sect. 1692a(6).
5. The Fair Debt Collection Practices Act, 15 U.S.C. Sect. 1692 et seq., applied to the collection of the debt you sought to collect from plaintiff.
6. The underlying alleged debt was incurred for personal, family, or household purposes.
7. No formal verification of the debt was provided to either Plaintiff by Defendant.
8. You violated the Fair Debt Collection Practices Act, 15 U.S.C. Sect. 1692 et seq., in your attempts to contact third-parties to collect the alleged debt from plaintiffs.



9. At the time contact was made with the third-parties to help you try and collect the alleged debt from plaintiffs, you knew the location of the Plaintiff's by mailing address, telephone number and other information necessary to communicate with Plaintiffs.

This Request shall be deemed continuing so as to require further and supplemental production if defendant obtains additional documents required to be produced between the time of the initial production and the time of trial.

Respectfully Submitted,



Gerald A. Templeton, Esq.
Attorney for Plaintiff

OF COUNSEL:

THE TEMPLETON GROUP, P.C.

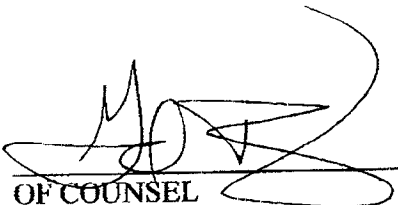
1000 Providence Park
Suite 200
Birmingham, Alabama 35242
(205) 980 8828 phone
(205) 980 8848 Facsimile
jerry@ttgpc.com email

CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of July 2006, I served by Facsimile Transmission and via First-Class mail, postage prepaid, a true and correct copy of the foregoing document to the following parties:

Jeffery L. Luther (LUTHJ0532)
Michael P. Barratt (BARRM3920)
Attorneys for NCB Management Services.
PO Box 1003
Mobile, AL 36633
(251) 433 8088
(251) 433 8011

David G. Poston (POS007)
Brock and Stout
PO Drawer 311167
Enterprise, AL 36331-1167
(334) 671 5555
(334) 671 2689 Fax



OF COUNSEL